

**REMARKS**

Claim 29 has been amended essentially according to alternative (A) as suggested by the Examiner in the Interview Summary for the personal interview held on November 4, 2009. Claim 49 has been canceled. Claim 51 has been added depending on claim 29 and directed to the limitation of part (2) of alternative (A) as suggested by the Examiner in the Interview Summary. Claim 52 has been added depending on claim 29 and directed to a more particular embodiment of the present invention. Claim 53 has been added depending on claim 29 and essentially directed to the limitation of part (2) of alternative (B) as suggested by the Examiner in the Interview Summary.

Entry of the above amendment is respectfully requested.

**Interview**

Applicant thanks the Examiner for the personal interview held on November 4, 2009 with Applicant's representative. Applicant believes that the interview was helpful in advancing the prosecution of the present application. A Statement of Substance of Interview is being submitted concurrently herewith.

**Rejection over Hirai**

On page 4 of the Office Action, in paragraph 6, claims 29, 33-35, 44 and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirai (US 2001/0028962 A1).

In response, Applicant notes that independent claim 29 has been amended to adopt alternative (A) as suggested by the Examiner in the Interview Summary, which the Examiner indicated would overcome the Hirai rejection (see the Interview Summary).

Further, with respect to any potential obviousness issue, Applicant submits that Hirai and the presently claimed invention were, at the time the presently claimed invention was made, owned by or subject to an obligation of assignment to Fuji Photo Film, Co., Ltd., now Fujifilm Corporation, and thus Hirai is disqualified as 35 U.S.C. 102(e) prior art for purposes of obviousness based on the provisions of 35 U.S.C. 103(c).

Therefore, Applicant submits that the present invention is patentable over Hirai, and withdrawal of this rejection is respectfully requested.

#### **Art Rejection over Thompson**

On page 5 of the Office Action, in paragraph 8, claims 29, 33-35, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson et al. (US 2002/0034656 A1).

In response, Applicant notes that independent claim 29 has been amended to adopt alternative (A) as suggested by the Examiner in the Interview Summary, which the Examiner indicated would overcome the Thompson rejection (see the Interview Summary).

Accordingly, Applicant submits that the present invention is patentable over Thompson, and withdrawal of this rejection is respectfully requested.

#### **Objection to Claim 48**

On page 7 of the Office Action, in paragraph 10, the Examiner has objected to claim 48 as being dependent upon a rejected base claim, but has indicated that it would be allowable if

rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for indicating that claim 48 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the above amendment adopting a suggestion made by the Examiner to overcome the cited art, Applicant submits that claim 48 no longer depends upon a rejected base claim. Accordingly, withdrawal of this objection is respectfully requested.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: November 23, 2009